IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6266 of 2007()

CC.95/2007 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
.....
(CRIME NO.1658 OF 2006 OF ERNAKULAM CENTRAL POLICE STATION)

PETITIONER/ACCUSED:

RENEEZ REHMAN,
S/O.ABDUL REHMAN, 6A, LINK HEIGHTS,
PANAMPILLY NAGAR, ERNAKULAM.

BY ADV. SRI.M.B.PRAJITH
SRI.BIJU JOSEPH

RESPONDENTS: COMPLAINANT:
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1. **STATE REPRESENTED BY**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **THE STATION HOUSE OFFICER,**
   ERNAKULAM CENTRAL POLICE STATION,
   (CRIME NO.1658 OF 2006),
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 6266 OF 2007

Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces indictment in a prosecution for the offence punishable under Sec.353 of the IPC. Cognizance has been taken. The petitioner was earlier enlarged on bail. But consequent to his non-appearance, coercive processes have been initiated against the petitioner. A warrant of arrest issued by the learned Magistrate is chasing the petitioner. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. His absence was not wilful or deliberate. He is willing to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and

expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge